

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Criminal No. 3:15CR12

MONTGOMERY JOSEPH ISNER
a/k/a "MONTGOMERY JOE CARTER,"

Defendant.

PRELIMINARY ORDER OF FORFEITURE

Pursuant to Title 18, United States Code, Section 982(a)(2)(A), the Court having made the findings of fact and conclusions of law enumerated below, it is hereby ORDERED that defendant Montgomery Joseph Isner a/k/a "Montgomery Joe Carter," who has pled guilty of violating Title 18, United States Code, Section 1014, forfeit any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of a violation of Title 18, United States Code, Section 1344, or a conspiracy to violate such offense, and to immediately pay a Rule 32.2(b)(2)(A) forfeiture money judgment in the amount of \$57,285.78.

1. On March 17, 2015, the grand jury returned an Indictment alleging that the defendant violated Title 18, United States Code, Section 1014. The Forfeiture Allegation in the Indictment contains notice to the defendant that the government intends to forfeit property in this criminal case.

2. Title 18, United States Code, Section 982(a)(2)(A) mandates forfeiture of any property constituting, or derived from, proceeds obtained directly or indirectly, as a result of a violation of Title 18, United States Code, Section 1014, or a conspiracy to violate such offense.

3. On June 4, 2015, during the Rule 11 hearing presided over by Magistrate Judge

Robert W. Trumble, the defendant pled guilty to Count Two of the Indictment, alleging the defendant violated Title 18, United States Code, Section 1014. The plea agreement includes the forfeiture of a money judgment in the amount of \$57,285.78, which defendant stipulated is the amount involved in the commission of the offense of conviction, or is the amount traceable to property involved in such offense.

4. The Court will not be able to identify before sentencing all property subject to forfeiture. The United States is authorized under Rule 32.2(b)(3) to conduct discovery under the Federal Rules of Civil Procedure to locate additional property that may be forfeited under this Order. When additional property is located, this Order will be amended under Rules 32.2(b)(2)(C) and 32.2(e)(1).

Any forfeited property that is transferred to a victim by the Attorney General pursuant to Title 18, United States Code, Section 982(b)(1) (incorporating Title 21, United States Code, Section 853(i)(1)) shall be set off against the restitution order included in the judgment and commitment order.

This Order of Forfeiture shall become final regarding the defendant at the time of sentencing, and will be made part of the sentence by incorporating this Order by reference in the judgment. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary.

SO ORDERED.

Dated: August 10, 2015



GINA M. GROH
CHIEF UNITED STATES DISTRICT JUDGE